

REMARKS

This application has been carefully reviewed in light of the October 18, 2004 Office Action. Claims 265 to 267 are in the application, all of which are independent claims. Claims 265 and 266 have been amended herein. Reconsideration and further examination are respectfully requested.

Applicants note the indication that the declaration is deemed to be defective. Applicants are providing the proper information on the accompanying Supplemental Application Data Sheet, pursuant to MPEP § 601.05. In this regard, it is respectfully requested that the objection to the alterations made to the residence and mailing address be waived, since, as set forth at C.F.R. § 1.63(c)(1), the declaration need not identify this information if it is supplied on an application data sheet. It is further requested that the objection to the alteration made to the inventor's name be waived, since, as set forth at MPEP § 605.04(b), a new declaration is not needed to correct a typographical error in the spelling of an inventor's name. In view of the foregoing, it is respectfully requested that the requirement for a new declaration be waived.

Claims 265 to 267 were rejected under 35 U.S.C. § 101 and § 112, first paragraph. According to the Office Action, the claimed invention is not supported by either a specific or substantial asserted utility or a well-established utility. Consequently, one of skill in the art would not know how to use the invention. The rejections are respectfully traversed.

Applicants respectfully submit that bu45_2 is the same as the polypeptide identified as AAY58879. See the attached Blast results. This polypeptide is described in WO 00/04157 (WO '157) as an N-acetylated alpha-linked acidic dipeptidase (NAALAD-ase). See NAALAD IV in Fig. 6 of WO '157. A copy of WO '157 is attached.

Claims 265 and 266 were rejected under 35 U.S.C. § 112, first paragraph, for lack of written description, and Claim 265 was rejected under 35 U.S.C. § 112, second paragraph. These rejections are respectfully traversed, and are submitted to have been obviated by the amendments made to Claims 265 and 266.


Claims 265 and 266 were rejected under 35 U.S.C. § 102(a) over WO 97/39030 (Jacobs). The rejection is respectfully traversed.

Applicants submit that the disclosure in Jacobs upon which the § 102(a) rejection is founded is the work of the same inventive entity as the subject matter of Claims 265 and 266. Applicants are studying the possibility of filing an affidavit to this effect.

The application is believed to be in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Damond E. Vadnais", is written over a horizontal line.

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